

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

MELANIE ANN CALLA	:	CASE NO.: 1:11-CV-562
	:	
Plaintiff,	:	JUDGE: SANDRA S. BECKWITH
	:	
v.	:	MAGISTRATE: LITKOVITZ
	:	
DUKE ENERGY CORPORATION	:	
	:	
Defendant.	:	
	:	

**STIPULATION AND PROTECTIVE ORDER  
REGARDING CONFIDENTIAL INFORMATION**

It is hereby stipulated and agreed by and between the parties and their attorneys in the above-caption matter that:

1. Material designated for protection under this Order ("Protected Material") shall be identified as "CONFIDENTIAL". The "CONFIDENTIAL" designation shall be applied to any document or information that the designating party determines to constitute confidential financial, technical or proprietary, or other information the receiving party and non-parties would not have access to but for this lawsuit.
2. Protected Material shall be maintained in confidence by all parties and their counsel, and shall be used solely for purposes of preparing for and conducting this litigation and not for business, competitive, personal or other purpose whatsoever. Use of Protected Material for any purpose other than preparing for and conducting this litigation shall give rise to a claim for damages.

3. Protected Material designated and categorized as “CONFIDENTIAL” shall not be disclosed to any person except:
  - a. parties to the litigation and any of their employees whose examination of said information is necessary for purposes of prosecuting or defending the present action;
  - b. any judge or magistrate;
  - c. counsel of record and employees of counsel of record;
  - d. a non-party witness who is to be questioned about any “CONFIDENTIAL INFORMATION” provided that said persons shall be informed of the contents of this Stipulation and Protective Order prior to said disclosure and shall sign an undertaking in the form of Exhibit “A” hereto before being provided with any “CONFIDENTIAL INFORMATION” protected by this Stipulation and Protective Order.
  - e. Expert witness providing assistance to counsel or the parties in connection with this litigation provided that each expert has signed an undertaking in the form of Exhibit “A” hereto; and
  - f. Any mediator retained by the parties or assigned by the judge or magistrate in this matter for purposes of settlement.
4. In the event a non-designating party objects to a “CONFIDENTIAL” designation, the parties agree to negotiate in good faith to resolve the objection.
5. Counsel of record shall maintain, pending the conclusion of this litigation, all undertakings that such counsel obtains from third parties.

6. Counsel of record agree they will meet and confer regarding procedures for the use of Protected Material at any hearing in this matter.
7. At the conclusion of this case, all Protected Material produced by a party from whom discovery is sought, and all copies of such Protected Material, shall be returned to the party from whom the Protected Material was obtained, or counsel of record shall certify in writing that such material has been destroyed.
8. The parties agree this Court has the authority to determine what, if any, documents are placed under seal.
9. The parties agree to submit this Stipulation and Protective Order to the court for entry and be bound by its terms prior to and subsequent to entry.

IT IS SO STIPULATED:

Attorney for Plaintiff

Attorney for Defendant

/s/ Brian Gillan  
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Attorney for Defendant

IT IS SO ORDERED: *Karen L. Lindon*

**EXHIBIT "A"**

**UNDERTAKING REGARDING CONFIDENTIAL INFORMATION  
COVERED BY STIPULATION AND PROTECTIVE ORDER**

The undersigned hereby acknowledges that he/she has read the Stipulation and Protective Order Regarding Confidential Information dated \_\_\_\_\_, 2012, and entered in the above-captioned case, that he/she understands the terms thereof, that he/she agrees to be bound by such terms.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature